

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Daniel H. Abelow

Appl. No.: 10/734,102

Filed: December 10, 2003

For: **Customer-Based Product Design  
Module**

Confirmation No.: 7959

Art Unit: 3639

Examiner: Dixon, Thomas A.

Atty. Docket: 2222.2630007

**Supplemental Information Disclosure Statement**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart

foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☒ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §

1.56(c) more than three months prior to the filing of this  
Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☒ 6. A concise explanation of the relevance of the non-English language document appears below in accordance with 37 C.F.R. § 1.98(a)(3):
- Document FP2 appears to describe an interactive evaluation device. An English abstract is enclosed as document NPL22.
- ☒ 7. Copies of documents FP1, FP2 and NPL1-NPL22 are enclosed. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents cited on the attached IDS Form are not enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 9. It is expected that the examiner will review the prosecution and cited art in the parent application nos. 09/370,663, filed August 6, 1999, 08/934,457, filed September 19, 1997 (now U.S. Pat. 5,999,908), 08/243,638, filed May 16, 1994, and 07/926,333, filed August 6, 1992 in accordance with MPEP 2001.06(b), and

indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

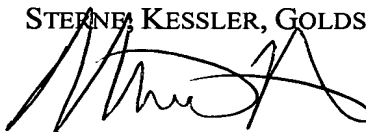
It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

Four other U.S. applications (09/369,391 - now pending, 09/369,392 - now abandoned, 09/370,090 - now abandoned, and 10/855,237 - now abandoned) include at least a claim for priority to U.S. Appl. No. 08/934,457 (now U.S. Patent No. 5,999,908) and are listed as documents (US11-US15). Copies are not provided in accordance with 37 C.F.R. 1.98(a)(2)(ii).

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STEINER, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael V. Messinger  
Attorney for Applicant  
Registration No. 37,575

Date:

9/29/05

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SEP 29 2003

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Approved for use through 07/31/2006.

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Substitute for form 1449/PTO <b>FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/734,102	
			Filing Date	December 10, 2003	
			First Named Inventor	Daniel H. Abelow	
			Art Unit	3639	
			Examiner Name	Dixon, Thomas A.	
			Attorney Docket Number	2222.2630007	
Sheet	1	of	1		

OTPE  
SEP 29 2003  
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	US1	4,097,923	06/1978	Eckert, Jr. <i>et al.</i>	
	US2	4,376,299	03/1983	Rivest	
	US3	4,442,501	04/1984	Eckert, Jr. <i>et al.</i>	
	US4	4,746,788	05/1988	Kawana	
	US5	4,774,655	09/1988	Kollin <i>et al.</i>	
	US6	4,812,965	03/1989	Taylor	
	US7	4,851,999	07/1989	Moriyama	
	US8	4,876,592	10/1989	Von Kohorn	
	US9	4,964,077	10/1990	Eisen <i>et al.</i>	
	US10	5,961,561	10/1999	Wakefield, II	
	US11	5,999,908	12/7/1999	Abelow	
	US12	09/369,391	8/6/1999	Abelow	
	US13	09/369,392	8/6/1999	Abelow	
	US14	09/370,090	8/6/1999	Abelow	
	US15	10/855,237	5/27/2004	Abelow	
	US16	4,868,376	9/19/1989	Lessin <i>et al.</i>	
	US17				
	US18				
	US19				
	US20				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	FP1	WO 94/03865	02/1994	WO		
	FP2	JP 6-195162	07/1994	JP		
	FP3					
	FP4					
	FP5					
	FP6					
	FP7					
	FP8					
	FP9					

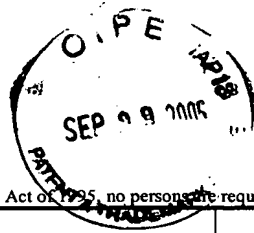
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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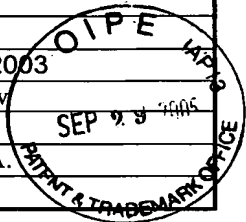
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**FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/734,102
Filing Date	December 10, 2003
First Named Inventor	Daniel H. Abelow
Art Unit	3639
Examiner Name	Dixon, Thomas A.
Attorney Docket Number	2222.2630007



Sheet 1 of 3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Orr, Joel N., Dr., "Join the information economy. (American Information Exchange online information service is the brain child of Phil Salin)" April 1992 Computer Aided Engineering, v11, n4, p84; DialogWeb copy pages 1-3.	
	NPL2	Kerwien, Craig "PC MagNet: a guide to ZiffNet. (on-line service)" January 1992, PC Magazine, v11, n1, p383(4); DialogWeb copy pages 1-5.	
	NPL3	O'Leary, Mick "CompuServe at the crossroads, it is indeed the most diverse of all online services" Nov-Dec 1990 Link-Up, v7, n6, p22(2); DialogWeb copy; pages 1-5.	
	NPL4	No author "Unlimited end-user searching for less than \$100 a year from CompuServe flat-fee pricing Plan!" Feb-March 1992 Database Searcher, v8, n2, p37(3); DialogWeb copy pages 1-3.	
	NPL5	Fryxell, David A., "Driving a hard bargain; armed with online ammunition, you can get a better price for a new or used car." Sept-Oct 1991 Database Searcher, v8, n5, p18(2); DialogWeb copy pages 1-4.	
	NPL6	Anonymous, "Information Industries: New Ideas on the Block, Economist 322(7750):83-84, dialog copy, 2 pages (1992).	
	NPL7	Dyson, "Information, bid and asked", Forbes 146(4):92 dialog copy, 2 pages (1990).	
	NPL8	Lahr et al., "Search MAESTRO", Learned Inf 245-253; dialog copy, 1 page (1989).	
	NPL9	No author, "Beyond the Metaphor: AMIX Builds an Electronic Marketplace", Electronic Services Update, dialog copy, 4 pages (1990).	
	NPL10	Orr, "Join the Information Economy", CAE 11(4):84, dialog copy, 3 pages (1992).	

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	NPL11	America Online Expands Internet Access, Newsbytes News Network, Mar. 21, 1993, 1 Page.	
	NPL12	Microsoft Press Computer Dictionary, Microsoft Press, p. 41, 1994.	
	NPL13	Behavioral Techniques In Systems Development, MIS Quarterly, Mantel et al., Sep. 1989, pp. 257-274.	
	NPL14	Author Unknown, How to Use Your Computer to Effect Change, Compute v15, n3, pS7(2), Mar. 1993.	
	NPL15	Ubois, On-line Problem Solving, MacWEEK, v7, n24, p16(2), Jun. 14, 1993.	
	NPL16	LaPlante, Who Ya Gonna Call?, InfoWorld, v15n21, PP:S83-S84+, May 24, 1994.	
	NPL17	Yahoo Information Center, www.yahoo.com, copyright 1994-97, 3 pages.	
	NPL18	AT&T, MCI to Release New Management Tools ("New Management Tools") Network World, Jan. 17, 1994, p. 19.	
	NPL19	Dialog database IAC PROMT: Direct Dispatch Gives Business Software-Based Trouble Management System . . . ("Trouble Management System") PR Newswire Jan. 24, 1994, 1 page.	
	NPL20	Kotler, Philip, Marketing Management Analysis, Planning and Control, Fifth Edition, Prentice Hall Inc., 1984, pp. 340-343.	



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	NPL21	Schoenbrun, Cynthia, "What has become of the small giant," Online v17, n1, pp. 52-56, Jan. 1993.	
	NPL22	English Abstract for JP 6-195162, data supplied from the espacenet database, 1 Page.	
	NPL23		
	NPL24		
	NPL25		
	NPL26		
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	NPL28		
	NPL29		
	NPL30		